

In re:
John P. Kerr
Debtor

Case No. 22-10166-elf
Chapter 13

District/off: 0313-2
Date Rcvd: Oct 20, 2022

User: admin
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol **Definition**

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 22, 2022:

Recip ID	Recipient Name and Address
db	+ John P. Kerr, 430 Ashley Dr., Hatboro, PA 19040-1222

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 22, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 20, 2022 at the address(es) listed below:

Name	Email Address
ANDREW L. SPIVACK	on behalf of Creditor U.S. Bank National Association as Trustee for Residential Asset Mortgage Products, Inc., Mortgage A andrew.spivack@brockandscott.com, wbecf@brockandscott.com
ANDREW L. SPIVACK	on behalf of Creditor U.S. Bank National Association as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2006-NC1 andrew.spivack@brockandscott.com, wbecf@brockandscott.com
ANTHONY A. FRIGO	on behalf of Debtor John P. Kerr anthonyfrigo@msn.com frigoar70666@notify.bestcase.com
BRIAN CRAIG NICHOLAS	on behalf of Creditor Deutsche Bank National Trust Company as Indenture Trustee, for New Century Home Equity Loan Trust 2006-1 bnicholas@kmllawgroup.com, bkgroup@kmllawgroup.com
DENISE ELIZABETH CARLON	on behalf of Creditor Deutsche Bank National Trust Company as Indenture Trustee, for New Century Home Equity Loan Trust

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2006-1 bkgroup@kmllawgroup.com

KENNETH E. WEST

on behalf of Trustee KENNETH E. WEST ecfemails@ph13trustee.com philaecf@gmail.com

KENNETH E. WEST

ecfemails@ph13trustee.com philaecf@gmail.com

KERI P EBECK

on behalf of Creditor Specialized Loan Servicing LLC, as servicer for Morgan Stanley Mortgage Loan Trust 2007-8XS, U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association kebeck@bersteinlaw.com, jbluemle@bersteinlaw.com

STEPHEN R. STARKS

on behalf of Creditor U.S. Bank National Association as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2006-NC1 ryan.starks@brockandscott.com, wbecf@brockandscott.com

United States Trustee

USTPRegion03.PH.EDCF@usdoj.gov

TOTAL: 10

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: JOHN P. KERR, : Chapter 13
:
Debtor : Bky. No. 22-10166 ELF
:

ORDER SCHEDULING SHOW CAUSE HEARING

AND NOW WHEREAS:

- A. The Debtor commenced this chapter 13 bankruptcy case on **January 24, 2022**.
- B. In his schedules, filed on **February 23, 2022** (Doc. # 16), the Debtor listed ownership of four (4) real properties:
 1. his residence, 430 Ashley Drive, Hatboro, PA (“Ashley Drive”);
 2. 1230 Fuller St., Philadelphia, PA (“Fuller St.”);
 3. 7105 Oxford Avenue, Philadelphia, PA (“Oxford Ave.”); and
 4. 7134 Montour St, Philadelphia, PA (“Montour St.”).
- C. In the Debtor’s Fourth Amended Plan (“the Plan”) (Doc. # 92), filed on **October 3, 2022**, the Debtor provides as follows for the treatment of the mortgages secured by the above listed properties:
 1. Ashley Drive: cure of prepetition default of \$130,445.08;
 2. Fuller St: cure of prepetition and postpetition defaults of \$70,590.27;
 3. Oxford Ave.: cure of prepetition and postpetition defaults of \$54,009.72; and
 4. Montour St.: cure of prepetition and postpetition defaults of \$61,284.67.
- D. Cure of prepetition defaults require maintenance of monthly instalments falling due postpetition. See 11 U.S.C. §1322(b)(2).

E. According to the proofs of claim filed by the lenders holding mortgages on the above properties, the amount of the ongoing monthly instalments on the mortgages total approximately \$4,598.00, as follows:

1. Ashley Drive: \$1,631.00;
2. Fuller St: \$1,182.00;
3. Oxford Ave.: \$869.00; and
4. Montour St.: \$916.00.

F. Beginning in the eighth month of the Plan (September 2022), the Plan requires the Debtor to make monthly payments to the Chapter 13 Trustee (“the Trustee”) of \$6,626.32.

G. The ongoing monthly mortgage instalments total approximately \$4,598.00.

H. In the Debtor’s Amended Schedule J (Doc. # 69), filed on **August 29, 2022**, the Debtor disclosed total monthly expenses of \$3,453.10, which included the Ashely Drive monthly mortgage but which does not appear to make any reference to the three (3) other monthly mortgage payments.¹

I. The monthly mortgage payments plus the Plan’s Trustee payment total approximately \$11,224.00 per month.

J. In the Debtor’s Amended Schedule I (Doc. # 69), filed on **August 29, 2022**, the Debtor disclosed monthly income (from self-employment) of \$10,500.00.

K. Based on the foregoing, the Plan does not seem feasible or, at least, its feasibility is not transparent.

¹ The Amended Schedule J also lists an expense for estimated taxes of \$100.00 per month, an amount that seems dubiously low. Other expenses in the Amended Schedule J also seem artificially low.

L. The Plan was confirmed on the Trustee's recommendation by order entered on **October 19, 2022**. (Doc. # 99).

M. Based on the foregoing, the order confirming the Plan may have been improvidently entered.

It is therefore **ORDERED** that:

1. A hearing shall be held on **November 1, 2022, at 11:30 a.m.** to consider whether the confirmation order should be **VACATED**.
2. The hearing will be conducted by video conference. The video link may be obtained from the Courtroom Deputy.

Date: October 20, 2022



ERIC L. FRANK
U.S. BANKRUPTCY JUDGE